

March 25, 2025

VIA ECF

The Honorable Pamela K. Chen
United States District Judge
United States District Court, Eastern District
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Securities Exchange Commission v. Xia, et al.
U.S. Dist. Ct., Dkt. No. 21-Civ-5350 (PKC)**

Dear Judge Chen:

I respectfully write in reference to the above captioned matter, and in direct response to the Letter of March 20, 2025, filed by Mr. Paul F. Millus.

As I have previously advised this Court, I served as construction counsel to Mr. Xia, and his affiliated entities, during the period between June of 2018, and February, 2022. Following several months of non-payment, due to the asset freeze implemented by this Court, I was forced to formally withdraw from such representation in February of 2022.

At present, our records indicate an unpaid sum in the amount of at least \$96,454.13, which does not include additional filing fees, and/or work performed to effectuate withdrawal from the multitude of cases handled during the representation of Mr. Xia.

I have annexed hereto a list of some of such cases, which were handled by my office during the time serving as counsel to Mr. Xia, and his related entities.

Regarding the assertion that my office maintains a charging lien on a number of matters, Mr. Millus is correct in this regard, and I have also annexed hereto a sample of such Orders, indicating as much.

As we have requested in prior Letters to this Honorable Court, our office merely wishes to be paid the amounts remaining due and owing, and as such, we seek to make a claim on the remainder of the Meyer Suozzi escrow monies, in the amount of \$96,454.13.

Respectfully Submitted,



Bret L. McCabe, Esq.

Bronx Supreme Court	27677/2020E (0027677/2020)	START ELEVATOR, LLC	FLEET FINANCIAL GROUP, INC.	Law Office of Bret L. McCabe	Taylor, Hon. Elizabeth A.
Kings Supreme Court	502931/2017	MUSHKUDIANI, KOBA	RACANELLI CONSTRUCTION GROUP	Law Office of Bret L. McCabe	Jury Coordinating Part,
Kings Supreme Court	500996/2020	MUSHKUDIANI, KOBA	FLEET NEW YORK METROPOLITAN	Law Office of Bret L. McCabe	Landicino, Hon. Carl J.
Kings Supreme Court	527463/2019	MUSHKUDIANI, KOBA	XIA, RICHARD	Law Office of Bret L. McCabe	Fisher, Hon. Pamela L.
Kings Supreme Court	502311/2021	V & P ALTITUDE CORP.	RACANELLI CONSTRUCTION GROUP, INC. et al	Law Office of Bret L. McCabe	Rothenberg, Hon. Karen B.
New York Supreme Court	153963/2019	HAN JOSIAH, HANNAH	EAST EMERALD GROUP, LLC	Law Office of Bret L. McCabe	Cohen, Hon. David B.
New York Supreme Court	650282/2019	ZAR REALTY LLC	XIA, RICHARD	Law Office of Bret L. McCabe	Lebovits, Hon. Gerald
New York Supreme Court	652391/2019	HENAN CHENGXIN OVERSEAS	EEGH, L.P.	Law Office of Bret L. McCabe	Cohen, Hon. Joel M.
New York Supreme Court	655822/2019	TANG, MAO	FEDERAL NEW YORK	Sullivan & Cromwell Law Office of Bret L. McCabe	Schechter, Hon. Jennifer G.
New York Supreme Court	657415/2019	CHANG, YI-FEN	FEDERAL NEW YORK	Sullivan & Cromwell Law Office of Bret L. McCabe	King, Hon. Kathy J.
Queens Supreme Court	700191/2013	RACANELLI CONSTRUCTION	EASLE SERVICE CORP ANO	Law Office of Bret L. McCabe	

Queens Supreme Court	702631/2014	DOKA USA, LTD	X & Y DEVELOPMENT ETAL	Law Office of Bret L. McCabe	
Queens Supreme Court	709714/2014	DOKA USA, LTD.	X-TREME SUPER ETAL	Law Office of Bret L. McCabe	Buggs, Hon. Cheree A.
Queens Supreme Court	701759/2016	X-TREME CONCRETE INC.	RACANELLI CONSTRUCTION ETAL	Law Office of Bret L. McCabe	Livote, Hon. Leonard
Queens Supreme Court	707065/2016	X&Y DEVELOPMENT GROUP, LLC	EPIC TOWER LLC ETAL	Law Office of Bret L. McCabe	Livote, Hon. Leonard
Queens Supreme Court	710001/2015	FIRST BAPTIST CHURCH OF	X & Y DEVELOPMENT ETAL	Law Office of Bret L. McCabe	Livote, Hon. Leonard
Queens Supreme Court	710436/2016	DECORAMA BUILDING & PLUMBING	X-TREME CONCRETE, INC. ETAL	Law Office of Bret L. McCabe	Caloras, Hon. Robert I.
Queens Supreme Court	701622/2016	PETRO REALTY CO., LLC	FLEET FINANCIAL GROUP, INC.	Law Office of Bret L. McCabe	Velasquez, Hon. Carmen
Queens Supreme Court	702912/2017	DEVDAIANI, VLADIMER	X & Y DEVELOPMENT GROUP ETAL	Law Office of Bret L. McCabe	Livote, Hon. Leonard
Queens Supreme Court	714132/2017	NEW YORK MARINE ANO	RACANELLI CONSTRUCTION ETAL	Law Office of Bret L. McCabe	Jackman-Brown, Hon. Pam B.
Queens Supreme Court	702600/2018	FOREVER 888 LLC ANO	XIA, YI ANO	Law Office of Bret L. McCabe	Compliance Conf Judge,
Queens Supreme Court	712091/2018	V&P ALTITUDE CORP.	RACANELLI CONSTRUCTION ANO	Law Office of Bret L. McCabe	Buggs, Hon. Cheree A.

Queens Supreme Court	700208/2019	GUARTAN, FREDDY	X & Y DEVELOPMENT GROUP ETAL	Law Office of Bret L. McCabe	Elliot, Hon. David
Queens Supreme Court	701421/2019	EPIC TOWER LLC	X & Y DEVELOPMENT GROUP, LLC	Law Office of Bret L. McCabe	Latin, Hon. Richard
Queens Supreme Court	705168/2018	UNITED RENTALS (NORTH	RACANELLI CONSTRUCTION GROUP	Law Office of Bret L. McCabe	Compliance Conf Judge,
Queens Supreme Court	707593/2016	UNITED RENTALS (NORTH	RACANELLI CONSTRUCTION GROUP	Law Office of Bret L. McCabe	Caloras, Hon. Robert I.
Queens Supreme Court	708761/2019	EASTERN EMERALD GROUP, LLC	PETERSON GEOTECHNICAL	Law Office of Bret L. McCabe	Leverett, Hon. Ulysses B.
Queens Supreme Court	715299/2019	CONSOLIDATED EDISON COMPANY	EASTERN EMERALD GROUP LLC ETAL	Law Office of Bret L. McCabe	Ventura, Hon. Lourdes M.
Queens Supreme Court	715299/2019	CONSOLIDATED EDISON COMPANY	EASTERN EMERALD GROUP LLC ETAL	Law Office of Bret L. McCabe	Butler, Hon. Denis J.
Queens Supreme Court	718406/2018	BOARD OF MANAGERS OF THE	XIE, PING ETAL	Law Office of Bret L. McCabe	Compliance Conf Judge,
Queens Supreme Court	700731/2020	GUIITERREZ, PEDRO	X & Y DEVELOPMENT GROUP, ANO	Law Office of Bret L. McCabe	Compliance Conf Judge,
Queens Supreme Court	701027/2020	BLAIKIE GROUP	X & Y DEVELOPMENT ETAL	Law Office of Bret L. McCabe	Muir, Hon. Maurice E.

Queens Supreme Court	705310/2020	JARIAS, ELPIS	EASTERN EMERALD GROUP ETAL	Law Office of Bret L. McCabe	Compliance Conf Judge,
Queens Supreme Court	705556/2020	FLORES, BERNARDO ANO	EASTERN EMERALD GROUP ETAL	Law Office of Bret L. McCabe	Compliance Conf Judge,
Queens Supreme Court	720004/2019	JOSIAH, HANNAH	CITY OF NEW YORK ETAL	Law Office of Bret L. McCabe	Catapano-Fox, Hon. Tracy A.
Queens Supreme Court	720668/2019	DEVDAIRANI, VLADIMER	X-TREME CONCRETE INC ETAL	Law Office of Bret L. McCabe	Compliance Conf Judge,
Queens Supreme Court	722927/2020	GUIERREZ, PEDRO	MIRMAN MARKOVITS AND LANDAU PC	Law Office of Bret L. McCabe	Compliance Conf Judge,
Queens Supreme Court	709893/2019	RODAS-REYES, VICTOR	ZAREMBA BROWN PLLC	Law Office of Bret L. McCabe	Gavrin, Hon. Darrell L.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

FOREVER 888 LLC and LIANG SHU LU,

Plaintiffs,

ORDER WITH NOTICE OF ENTRY

-against-

YI XIA and HAIYAN XIE

Defendants.

PLEASE TAKE NOTICE that the within is a true copy of an Order of the Honorable
PHILLIP HOM, J.S.C., dated April 5, 2022, which was duly filed in the Office of the Clerk
of Queens County, in the State of New York, on the 6th day of April, 2022.

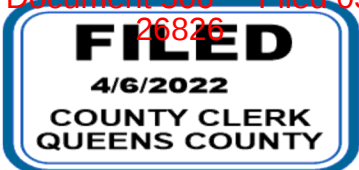
Dated: Old Brookville, New York
April 11, 2022

Respectfully submitted,
The Law Office of Bret L. McCabe



By: Bret L. McCabe, Esq.
Attorneys for Defendants
Yi Xia
Haiyan Xie
7 Copperfield Lane
Old Brookville, NY 11545
(718) 213-0123

All Parties: VIA NYSCEF



Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: Honorable **PHILLIP HOM**
Justice

IA PART 14

-----X
Forever 888 LLC and Liang Shu Lu,

Plaintiffs,

Index No.: 702600/18
Motion Date: 4/4/22
Motion Seq. No.: 4

-against-

Yi Xia and Haiyan Xie,

Defendants.

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The following e-filed documents, listed by NYSCEF document number, were read on this order to show cause by counsel of Defendants Yi Xia and Haiyan Xie to, among other things, withdraw representation.

PAPERS	NUMBERED
Order to Show Cause-Affidavits-Exhibits.....	101 - 107

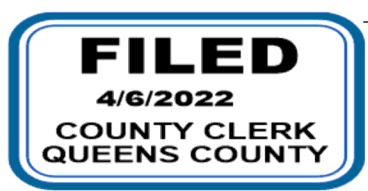
Upon the foregoing cited papers, it is ordered that the application of Bret L. McCabe, Esq., attorney for Defendants Yi Xia and Haiyan Xie, pursuant to CPLR 321(b), is granted to the extent that The Law Office of Bret L. McCabe is relieved as counsel upon the filing of a copy of this Order with Notice of Entry and with proof of service by first class mail upon all parties.

Furthermore, The Law Office of Bret L. McCabe is hereby granted a charging lien in an amount to be determined upon further application.

All further proceedings in this action are stayed for a period of ninety (90) days after service and filing as required above, to enable Defendants Yi Xia and Haiyan Xie to obtain new counsel or appear pro se.

This constitutes the Decision and Order of this Court.

Dated: April 5, 2022



Phillip Hom
PHILLIP HOM, J.S.C.

At a Trial Part of the Supreme Court for
the State of New York, held in and for
the County of Queens at the Courthouse
located at 88-11 Sutphin Blvd, Queens,
New York on the 15th day of February, 2022.

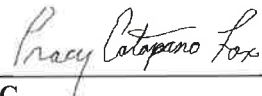
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- a) Relieving the law firm of THE LAW OFFICE OF BRET L. MCCABE as counsel for the Defendants;
- b) Issuing a ninety (90) day stay of all proceedings to allow Defendants a reasonable period of time to secure the services of another attorney;
- c) Granting THE LAW OFFICE OF BRET L. MCCABE a retaining lien and charging lien payment, of which is deferred until the conclusion of this action; and
- d) Other and further relief as this Court deems just and proper.

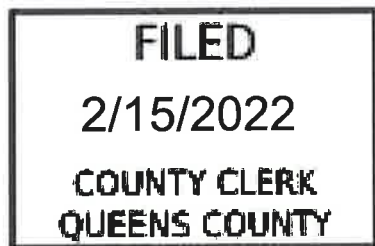
ORDERED, that Defendants, **FLEET FINANCIAL GROUP, INC., RACANELLI CONSTRUCTION GROUP, INC., and PERINI GROUP, INC.**, must appear in court in person, or remotely, as directly by the Court on the date and at the place indicated above.

ORDERED, that service of a copy of this Order, together with the papers upon which it is granted, be served upon **FLEET FINANCIAL GROUP, INC., RACANELLI CONSTRUCTION GROUP, INC., and PERINI GROUP, INC.**, at their last known addresses, and upon WINGATE RUSSOTTI, SHAPIRO & HALPERIN, LLP, attorneys for Plaintiff, and CHRISTINE LIMBACH of NEW YORK CITY LAW DEPARTMENT, Attorney for City of New York Defendants and Cross-Claimants, by certified mail return receipt requested, on or before February 18, 2022 be deemed good and sufficient service.

ENTER:



J.S.C.



NOTICE TO DEFENDANTS: FLEET FINANCIAL GROUP, INC., RACANELLI
CONSTRUCTION GROUP, INC, and PERINI GROUP, INC.,:

YOUR ATTORNEY DOES NOT WANT TO REPRESENT YOU OR IS PRECLUDED
FROM REPRESENTING YOU.

THE COURT WANTS TO PROTECT YOUR RIGHTS, AND TO GIVE YOU AN
OPPORTUNITY TO RESPOND TO THE STATEMENTS MADE BY YOUR ATTORNEY IN THE
AFFIDAVIT WHICH IS ATTACHED TO THESE PAPERS.

IN ORDER TO FULLY PROTECT YOUR RIGHTS, YOU MUST APPEAR IN COURT AT
88-11 SUTPHIN BLVD., QUEENS, NEW YORK, AT 9:30 A.M. ON _____ UNLESS
OTHERWISE DIRECTED TO APPEAR REMOTELY DUE TO THE ONGOING COVID-19
PANDEMIC. AT THAT TIME, YOU MAY OBJECT OR CONSENT TO THE APPLICATION,
AND YOU MAY PROVIDE ANY AND ALL INFORMATION WHICH YOU BELIEVE IS
IMPORTANT REGARDING THIS APPLICATION.

IF YOUR ATTORNEY IS PERMITTED AND/OR OBLIGATED TO WITHDRAW FROM
YOUR CASE, YOU WILL BE REQUIRED TO FIND A NEW ATTORNEY OR REPRESENT
YOURSELF IN CONTINUING TO PROSECUTE YOUR CASE/DEFEND YOURSELF IN THIS
ACTION.

Short Form Order



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
HANNAH JOSIAH,

Index No. 720004/2019

Plaintiff,

Part 6

Motion Date: February 28, 2022

-against-

Calendar No. 22

THE CITY OF NEW YORK, NEW YORK CITY
DEPARTMENT OF TRANSPORTATION, NEW
YORK CITY DEPARTMENT OF BUILDINGS,
NEW YORK CITY DEPARTMENT OF
ENVIRONMENTAL PROTECTION, THE FIRE
DEPARTMENT OF THE CITY OF NEW YORK,
EASTERN EMERALD GROUP, LLC, FLEET
FINANCIAL GROUP, INC., RACANELLI
CONSTRUCTION GROUP INC, RACANELLI
CONSTRUCTION MANAGEMENT INC, and
PERINI GROUP, INC.,

Sequence No. 2

Defendants.

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The following papers numbered 1 to 4 read on this application by counsel for defendants Fleet Financial Group, Racanelli Construction Group, and Perini Group to withdraw as counsel pursuant to CPLR §321(b)(2).

Papers
Numbered

Order to Show Cause, Affirmation, Exhibits.....1-4


Upon the foregoing papers, it is ordered that this application is determined as follows:

Application by counsel for defendants Fleet Financial Group, Racanelli Construction Group, and Perini Group (hereinafter collectively “defendants”) for leave to withdraw as counsel pursuant to CPLR §321(b)(2) is granted without opposition, and the law office of Bret L. McCabe is relieved as counsel for defendants.

This matter shall be stayed for a period of sixty (60) days from the date of service upon counsel for plaintiff, unrepresented defendants, counsel for the remaining defendants, and the calendar clerk of a copy of this Order with Notice of Entry in order to afford defendants the opportunity to obtain new counsel.

Dated: April 25, 2022




Tracy Catapano-Fox, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY

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PEDRO GUTIERREZ	:	
	:	
	:	Index No. 700731/2020
Plaintiff,	:	
	:	
-against-	:	
	:	ORDER WITH NOTICE OF ENTRY
	:	
X&Y DEVELOPMENT GROUP, LLC and PERINI	:	
GROUP, INC.	:	
	:	
	:	
Defendant.	:	
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PLEASE TAKE NOTICE that the within is a true copy of an Order of the Honorable
ALLAN B. WEISS, J.S.C., dated April 14, 2022, which was duly filed in the Office of the
Clerk of Queens County, in the State of New York, on the 15th day of April, 2022.

Dated: Old Brookville, New York
April 24, 2022

Respectfully submitted,
The Law Office of Bret L. McCabe


By: Bret L. McCabe, Esq.
Attorneys for Defendants.
7 Copperfield Lane
Old Brookville, NY 11545
(718) 213-0123

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: Honorable ALLAN B. WEISS IAS PART 2
Justice



PEDRO GUITERREZ,

Index No. 700731/20

Plaintiff,

Motion Date: 3/16/22

-against-

Motion Seq. No. 4

X & Y DEVELOPMENT GROUP, LLC, and
PERINI GROUP, INC.

AMENDED ORDER

Defendant.

The Court vacates its prior decision on Motion Sequence Number 4, dated April 11, 2022 and entered on Apr. 13, 2022 [EF Doc. No. 45]. The Court has instead issued the present decision in its stead.

As an initial matter, another Justice of this Court had amended the caption of this action, in a consolidation order brought under Index Number 722927/2020, but the order of the Court (Elliot, J., ret.), dated and entered on April 21, 2021, was not filed under the index number for the present action, and this Court was not made aware of that order. The Clerk is directed to amend the caption of this action as reflected above.

Subsequent to the prior decision by this Court on Motion Sequence Number 4 [EF Doc. No. 45], the Law Office of Bret L. McCabe, representing the defendants, filed proof of service on NYSCEF [EF Doc. No. 47] that complies with the service directions of this Court's order to show cause [EF Doc. No. 44].

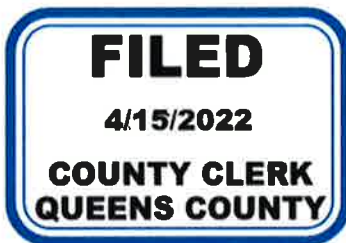
The first branch of the motion, by Order to Show Cause, by the Law Office of Bret L. McCabe, to withdraw as counsel for the defendants, is granted, without opposition.

The second branch of the motion is granted to the extent that all proceedings are stayed for a period of thirty (30) days from the date of service of a copy of this order with notice of entry upon all parties by regular mail and upon each of the defendants, by both regular and certified mail, return receipt requested, together with a notice to obtain another attorney, pursuant to CPLR 321(c).

Proof of service of this Order and the CPLR 321(c) notice, as described above, shall be filed on NYSCEF within 10 days after service has been effectuated.

The third branch of the motion requesting that the charging and retaining liens by the Law Office of Bret L. McCabe be deferred to the conclusion of this action is also granted.

Dated: April 14, 2022
D#64




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J.S.C.